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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,576	12/04/2001	David G. Gayle	P5994	5123
32658	7590	07/08/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			HAMZA, FARUK	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/004,576	GAYLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,4,7-10,12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,4,7-10,12-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Response to Amendment***

1. This communication is responsive to the amendment filed on April 13, 2005. Claims 1,3,7-8,10 and 15 have been amended. Claims 2,5-6,11 and 19 have been canceled. Claims 1,3,4,7-10 and 12-18 are now pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,3,4,7-10 and 12-18 are rejected under 35 U.S.C. 102(e) as anticipated by Deuser et al (U.S. Patent Number 6,816,864) hereinafter referred as Desuser

Deuser teaches the invention as claimed including receiving request and converting data type of that request and sending back HTML web page to the client for display to the user (See abstract).

As to claim 1, Deuser teaches a computer system for automating communications between client devices and service provider devices linked to a data communications network, comprising:

a service provider device linked to the communications network including a conversion and connection mechanism for receiving streamed service requests, for converting the streamed service request to a request document, and transmitting the request document to a target service (Column 7, lines 65-67; Column 8, lines 1-7, Deuser discloses converting request to document and transmitting it); and

a client device linked to the communications network including a client agent that creates a service request and a conversion and connection mechanism that parses the service request to identify the target service, that opens a communication connection with the service provider device, and that transmits the streamed service request over the communications network to the

service provider device. (Column 4, lines 52-65, Deuser discloses conversion mechanism and identifying target device)

wherein the conversion and connection mechanism of the service provider is further configured for receiving a response document, for in response opening a communication connection with the client device, for converting the request document to a request string, and for streaming the response string to the communication connection at the client device over the communications network (Fig. 3, Deuser discloses receiving response document and streaming response string)

wherein the service provider includes a response generator adapted to create the response document from a service response created by the target service (Column 8, lines 22-32);

wherein the response document and the request document are in a formatted structure used by the service provider and the client device. (Column 8, lines 22-32, Deuser discloses using XML)

As to claim 3, Deuser teaches the computer system of claim 1, wherein the response string is streamed using a streaming protocol based on TCP/IP. (Column 1, lines 44-51)

As to claim 4, Deuser teaches the computer system of claim 3, wherein

the streaming protocol is selected from the group consisting of HTTP, HTTPS, and UDP. (Column 1, lines 53-56)

As to claim 7, Deuser teaches the computer system of claim 6, wherein the formatted structure is an extensible Markup Language (XML) document or a Standard Generalized Markup Language (SGML) document. (Column 8, lines 22-32)

As to claim 8, Deuser teaches the computer system of claim 1, wherein the conversion and connection mechanism of the client device is adapted for converting the streamed response string into an instance of the response document. (Column 8, lines 22-32)

As to claim 9, Deuser teaches the computer system of claim 8, wherein the instance of the response document is in a formatted structure document and wherein the client device further includes a component for recognizing the formatted structure and converting the instance of the request document to a service response useable by the client agent. (Column 8, lines 22-32)

As to claim 10, Deuser teaches a method for use in a service provider system for automating communication conversions and connections, comprising:

receiving, over a communications network from a client machine, a streamed service request for a target service; (Column 8, lines 1-3, Deuser discloses receiving request)

converting the streamed service request into a request document; (Column 8, 1-7, Desuer discloses converting request into document)

transmitting the request document to the target service; (Column 8, 1-7, Deuser discloses transmitting the request)

in response, receiving a response document from the target service; (Column 8, lines 25-27, Deuser teaches receiving response document)

converting the response document to a service response configured for streaming over the communications network; (Column 8, lines 27-30)

allocating a port on the client machine with a base networking protocol, wherein the client machine and the target service use a single connection; and (Column 9, lines 55-58)

streaming the service response to the port of the client machine. (Column 9, lines 55-58)

wherein the streamed service request converting includes verifying the client machine is an acceptable source of service requests and verifying validity of the request document by comparing included data types in the request document with expected data definitions. (Column 2, lines 44-47; Column 6, lines 32-37, Deuser discloses verifying request and data type)

As to claim 12, Desuer teaches the method of claim 10, wherein the request document and the response document are in a formatted structure common to the target service and the client machine. (Column 8, lines 1-7; lines 25-30)

As to claim 13, Deuser teaches the method of claim 10, wherein the response document converting and the service response streaming are performed according to a streaming protocol based on TCP/IP. (Column 1, lines 49-51)

As to claim 14, Deuser teaches the method of claim 10, further including converting the request document into a request object prior to the transmitting and creating the response document from a response object received from the target service prior to the response document receiving. (Column 8, lines 1-7; lines 25-30)

As to claim 15, Deuser teaches a method for use in a service provider client-server network, comprising: at a client device:

generating a service request document having a first form (Column 8, lines 1-6, Deuser discloses generating request);  
determining the data transfer protocol based on the service provider device identified in the service request (Column 8, lines 33-55, Deuser discloses determining data transfer protocol);

converting the service request document into a service string having a streaming form according to a data transfer protocol; (Column 8, lines 1-33)

allocating a port on the client device based on a base networking protocol to establish a single communication connection with a service provider device identified in the service request document; (Column 9, lines 56-59)

transmitting the service string over a communications network to the communication connection at the service provider device; (Column 8, lines 6-7) at the service provider device:

converting the service string into an instance of the service request document having the first form; (Column 8, lines 8-16)

transmitting the instance to a target service; (Column 8, lines 8-16)

receiving a response document based on the instance; (Column 8, lines 17-23)

converting the response document into a response string having a streaming form according to the data transfer protocol; (Column 8, lines 23-27)

allocating a port on the client device to establish the communication connection with the client device; and (Column 9, lines 56-59)

transmitting the response string over the communications network to the port at the client device. (Column 8, lines 25-27)

As to claim 16, Deuser teaches the method of claim 15, further including at the client device:

receiving the response string; (Column 8, lines 26-30)  
converting the response string into an instance of the response document;  
and (Column 8, lines 26-30)  
providing the instance of the response document to a client agent. (26-30)

As to claim 17, Deuser teaches the method of claim 16, wherein the first form and a form of the response document are in formatted structure common to the client device and the service provider device. (Column 8, lines 1-7; lines 25-30)

As to claim 18, Deuser teaches the method of claim 15, wherein the data transfer document is streamed using a streaming protocol based on TCP/IP. (Column 1, lines 49-51).

### ***Response to Arguments***

3. Applicant's arguments filed on April 13, 2005 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Deuser doesn't teach request and response have particular formatted data structure; B) Deuser doesn't teach verifying the validity of a service request; C) Deuser doesn't teach

converting service request document into a service string based on the determined data transfer protocol.

In response to A) Deuser teaches using XML to process request (Column 8, lines 1-32). Data must be particular formatted in XML communication. In a corresponding and agreed upon ontology that sets forth the business/documentation rules for data presentation. Therefore Deuser's teaching of using XML technology meets the scope of the claimed limitation "the response document and the request document are in a formatted structure used by the service provider and the client device".

In response to B) Deuser teaches authenticating users prior to provide service (Column 2, lines 44-49). Deuser also teaches using XML to transfer data. In XML technology data type in request must match with expected data definition otherwise it cannot be processed. Therefore the teaching of authentication and using XML meets the scope of the claimed limitation "verifying the client machine is an acceptable source of service requests and verifying validity of the request document by comparing included data types in the request document with expected data definitions".

In response to C) Deuser teaches LDAP protocol that defines the entire preceding models and functions map onto TCP/IP protocol (Column 2, lines 65-

67; Column 3, lines 1-8). In Fig.4 (Column 8, lines 33-55) Deuser Shows request is processed based on determined protocol by LDAP. Therefore the teaching of determining protocol by LDAP meets the scope of the claimed limitation "determining the data transfer protocol based on the service provider device identified in the service request".

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll -free).

Faruk Hamza  
Patent Examiner  
Group Art Unit 2155



SALEH NAJJAR  
PRIMARY EXAMINER